

JUDGE BUCKLO

MAGISTRATE JUDGE BROWN

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

LUMINO DESIGNS INC.,  
Plaintiff,

v.

MATTEL, INC.,  
Defendant.

Civil Action No.  
Hon.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiff Lumino Designs, Inc. ("Lumino Designs") complains of defendant Mattel, Inc. as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**THE PARTIES**

2. Lumino Designs is a New York corporation with its principal place of business at 38 Dallas Avenue, New Hyde Park, NY 11040. Lumino is the named assignee of, owns all right title and interest in, and has standing to sue for infringement of United States Patent No. 5,743,616, entitled "LED Illuminated Image Display," issued April 28, 1998 ("the '616 patent") (Exhibit A).

3. Upon information and belief, Defendant Mattel, Inc. ("Mattel") is a California corporation with its principal places of business at 333 Continental Boulevard El Segundo, CA 90245-5012. Upon information and belief, Mattel transacts business and has sold to customers in this judicial district and throughout the State of Illinois products that infringe claims of the '616 patent.

**JURISDICTION AND VENUE**

11. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

12. Personal Jurisdiction over the defendant is proper in this Court. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

**DEFENDANTS' ACTS OF PATENT INFRINGEMENT**

13. Mattel has infringed the '616 patent by making, offering for sale or selling children's toys incorporating LED illuminated image displays protected by one or more claims of the '616 patent, including by way of example but not limitation, the following lighted doll products:

<b><u>PRODUCT DESCRIPTION</u></b>	<b><u>MARKING(S) ON PRODUCT</u></b>
<b>Barbie of Swan Lake (Barbie as Odette)</b>	<b>SKU 2708402510</b>
<b>Barbie of Swan Lake (Barbie as Odette) "Afro-American"</b>	<b>SKU 2708402511</b>
<b>Barbie of Swan Lake (Barbie and ken set)</b>	

A sample of the "Barbie of Swan Lake (Barbie as Odette)" is shown in the attached Exhibit B. A sample of the "Barbie of Swan Lake (Barbie as Odette) Afro American" is shown in the attached Exhibit C. A sample of the "Barbie of Swan Lake (Barbie as Odette) with the illuminated wings illuminated is shown in the attached Exhibit D.

14. Mattel has also infringed the '616 patent by knowingly and actively inducing others to infringe and by contributing to the infringement by others.

16. Mattel's infringement, contributory infringement and inducement to infringe have been willful and deliberate and have injured and will continue to injure Lumino Designs unless and until the Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, sale and/or offer for sale of products that fall within the scope of the '616 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Lumino Designs asks this Court to enter judgment against defendant and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

A. An award of damages adequate to compensate Lumino Designs for the infringement that has occurred, together with prejudgment interest from the date infringement of the '616 patent began;

B. Increased damages as permitted under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to Lumino Designs of its attorneys' fees and costs as provided by 35 U.S.C. § 284;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '616 patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

**JURY DEMAND**

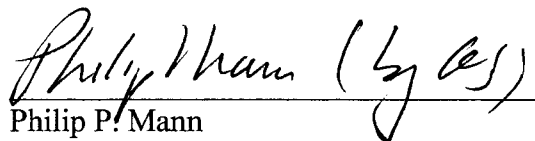
Lumino Designs demands a trial by jury on all issues presented in this Complaint.

Dated this 31<sup>st</sup> day of March, 2009.

Respectfully submitted,



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